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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,005	03/07/2000	Michael R. Pallesen	M-8036 US	1151
33031	7590	01/27/2006	EXAMINER	
CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			BLECK, CAROLYN M	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,005

Applicant(s)

PALLESEN ET AL.

Examiner

Carolyn M. Bleck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-24 and 26-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-24 and 26-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. In view of the BPAI decision mailed on April 22, 2005, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. Claims 1-12, 14-24, and 26-36 are pending.

Requirement for Information Under 37 C.F.R. § 1.105

3. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

4. The information is required to identify any products or services using a product rate expression information.

At pages 1-2 of Applicant's originally filed specification, Applicant discloses in the Background of the Invention that "In order to quickly calculate insurance product rates, the necessary mathematical expressions and data are typically encoded into the programming for the insurance product application (e.g., the web server application or application running in conjunction with a web server) that gathers information from a consumer and returns rate quote information (and perhaps other types of information) to the consumer." The Examiner respectfully requests that Applicant submit information pertaining to this admission that insurance product rate expression are well known in the art. The Examiner requests that Applicant submit documentation about its own systems using product rate expressions prior to March 7, 2000 or any other systems or literature that Applicant knows of that were using product rate expressions as described by Applicant in the Background of the Invention.

5. In responding to those requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

6. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

7. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

8. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-12, 14-24, and 26-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention (pages 1-2 of Applicant's originally filed specification) in view of Kennedy (5,787,453).

As per claim 1, Applicant's Background of the Invention discloses a system comprising:

(a) a web server application or application running in conjunction with a web server, wherein the necessary mathematical expressions and data are typically encoded into the programming for the insurance product application (page 2, lines 5-10);

(b) an insurance application that gathers information from a consumer and returns rate quote information to the consumer (page 2, lines 5-10);

(c) a web server or application having mathematical expressions and data encoded into the programming for the insurance product application for calculating insurance product rates (page 2, lines 5-10);

(d) a web server for returning rate quote information to the consumer (page 2 lines 5-12); and

(e) a website for a consumer to be provided with insurance rate information from the web server (page 1, lines 16-26 and page 2, lines 5-12).

Applicant's Background of the Invention fails to expressly disclose "a database interface" or a routine operable to parse a product rate expression stored in the product

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rate information cache into at least one token, and operable to evaluate the at least one token to determine a product rate.

Kennedy includes a system that parses formulas into operands and operators that are further evaluated to obtain a result (Kennedy; col. 3, lines 15-24 and col. 8, line 44 to col. 10, line 39). Further, Kennedy includes in Figure 7, a processors #1-2 connected to a SQL database for communicating information between the processors and the database (col. 12 lines 31-47) (reads on "a database interface").

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the formula parser of Kennedy to the system described in Applicant's Background of the Invention with the motivation of providing users with very little grasp of computer programming methodologies a way to develop systems to calculate virtually anything of a mathematical nature once they can identify the source of data to be used, a target location for the result, and the fundamental mathematical operations needed to derive the result (Kennedy; col. 3, lines 30-35) .

(B) As per claim 2, Applicant's Background of the Invention discloses storing rating factors in look-up tables (page 1, lines 24-25).

(C) As per claim 3, Kennedy discloses a SQL database having a number of dimensions (col. 6 lines 50-60). The skilled artisan would have found it obvious to modify the system of Applicant's Background of the Invention to include the features of Kennedy with the motivation of enabling the user to efficiently access and analyze data stored in

the database. As per the recitation of "indexed by consumer information", it is respectfully submitted that a typical SQL database indexes any of the information stored in a database, and this would have been an obvious modification for the purpose of reducing the time to retrieve data and organizing the data within the database efficiently.

(E) As per claims 4-5, Kennedy discloses an operand representing a variable and an operation identifier representing an operation which is in the set consisting of mathematical and data transfer operations (reads on "logic or number operator") (Kennedy; col. 3, lines 15-24, col. 6 lines 13-26, col. 8, line 44 to col. 10, line 39, col. 14 lines 1-67). The motivation for combining Kennedy within Applicant's Background of the Invention is given above in claim 1, and incorporated herein.

(F) As per claim 6, Kennedy teaches the use of Reverse Polish notation and other notations (Kennedy; col. 8, lines 54-60, Figures 5a-b). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the expressions taught collectively by Applicant's Background of the Invention and Kennedy with the motivation of using a conventional mathematical field ordering notation that most readers would be familiar with (Kennedy; col. 8, lines 55-57).

(G) As per claims 7, 10, 19, and 31, Applicant's Background of the Invention discloses insurance product rate information (page 2, lines 5-12).

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(H) As per claims 8 and 18, Kennedy teaches the parsing of formulas into tokens and the evaluation of the tokens to provide a result (Kennedy; col. 3, lines 15-24 and col. 8, line 44 to col. 10, line 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Kennedy to the system of Applicant's Background of the Invention with the same motivation as applied to claim 1, and incorporated herein.

(I) As per claim 9, Applicant's Background of the Invention discloses a website for gathering customer information, providing insurance product rate quotes, and provide the product rate and other information to the consumer (page 1, lines 16-25, page 2, lines 5-12).

(J) As per claims 11-12, Applicant's Background of the Invention discloses a web server or application running in conjunction with the web server, and a web site for the consumer to provide information to the web server (page 1, lines 16-25, page 2, lines 5-12).

(K) As per claim 14, Applicant's Background of the Invention discloses a web server and application having the mathematical expressions and data encoded in for providing

insurance product information, wherein the web server provides information to the customer on a product rate quote information (page 2, lines 5-12). The remainder of claim 14 repeats the same limitations as claims 1 and 2, and is therefore rejected for the same reasons given for claim 14, and incorporated herein.

(L) Claim 15 differs from system claim 1 by reciting the step of "loading product information including at least one product rate expression from a database." As per this steps, Applicant's Background of the Invention discloses encoding mathematical expressions and data into the programming of the insurance product application to provide insurance rate quotes (page 2, lines 5-12). The remainder of claim 15 repeats the same limitations as claims 1, 9, and 14, and is rejected for the same reasons given above in the rejections of those claims, and incorporated herein.

(M) Claim 16 repeats the same limitations as claims 2 and 14, and is rejected for the same reasons given above in the rejections of those claims, and incorporated herein.

(N) As per claim 17, Applicant's Background of the Invention discloses a web server and application having the mathematical expressions and data encoded in for providing insurance product information, wherein the web server provides information to the

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customer on a product rate quote information (page 2, lines 5-12). It does not disclose this information being stored as a plurality of records in a database. However, Kennedy clearly discloses the use of a SQL database having tables for storing data (Fig. 7, col. 8 lines 16-36). It is respectfully submitted that storing data in tables for retrieval of the that data is a form of a record in a database.

(O) Claims 20-23 repeat the same limitations as claims 4-6, and are therefore rejected for the same reasons given for those claims, and incorporated herein.

(P) As per claim 24, Kennedy teaches the parsing of formulas into tokens and the evaluation of the tokens to provide a result, wherein the result is calculated using an addition module or multiplication module and data is retrieved from tables (Fig. 4-5b, col. 3, lines 15-24 and col. 8, line 44 to col. 10, line 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Kennedy to the system of Applicant's Background of the Invention with the same motivation as applied to claim 1, and incorporated herein. The remainder of claim 24 repeats the same limitations as claims 2 and 5, and is rejected for the same reasons given for those claims, and incorporated herein.

(Q) Claim 26 repeats the same limitations as claim 1, and is therefore rejected for the same reasons given for claim 1, and incorporated herein.

(R) Claims 27-30 and 32-36 repeat the subject matter of system claims 15-18 and 20-24 as a computer readable medium comprising instructions executable on a processor rather than as a set of apparatus elements. As the underlying elements of claims 15-18 and 20-24 have been shown to fully disclosed by the collective teachings of Applicant's Background of the Invention and Kennedy in the above rejections of those claims, it is readily apparent that the system disclosed collectively by Applicant's Background of the Invention and Kennedy includes the computer readable medium to perform the functions of the system. As such, these limitations are rejected for the same reasons given above for claims 15-18 and 20-24, and incorporated herein.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(571) 273-8300	[Official communications]
(571) 273-8300	[After Final communications labeled "Box AF"]
(571) 273-6767	[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

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January 11, 2006


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

APPROVED
JOHN J. LOVE
DIRECTOR TC 3800

